Draft Regulations laid before Parliament under section 150(6) of the Local Government and Housing Act 1989 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1998 No.

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities (Transport Charges) Regulations 1998

Made - - - -	*1998*
Coming into force in accordance with regulation 1(2) - -	*1998*

Whereas a draft of these Regulations has been laid before and approved by resolution of each House of Parliament in accordance with section 150(6) of the Local Government and Housing Act 1989(**1**);

Now therefore, the Secretary of State for the Environment, Transport and the Regions, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred by sections 150 and 152(5) of that Act and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Local Authorities (Transport Charges) Regulations 1998.

(2) These Regulations shall come into force on the twenty-eighth day after the day on which they are made.

Interpretation

2. In these Regulations—

"the 1980 Act" means the Highways Act 1980(**2**);

"the 1984 Act" means the Road Traffic Regulation Act 1984(**3**);

"local highway authority" has the meaning given by section 329(1) of the 1980 Act;

"local traffic authority" has the meaning given by section 121A of the 1984 Act;

(**1**) 1989 c. 42.
(**2**) 1980 c. 66.
(**3**) 1984 c. 27. Section 16A was inserted by the Schedule to the Road Traffic Regulation (Special Events) Act 1994 (c. 11). Section 121A was inserted, and the definition of "road" in section 142(1) was substituted, by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, paragraphs 70 and 78.

"relevant event" has the meaning given by section 16A(1) of the 1984 Act;

"road" has the meaning given by section 142(1) of the 1984 Act;

"special event" has the meaning given by section 9(8) of the London Local Authorities Act 1995(**4**);

"travel concession"—

(a) in relation to a London borough council or the Common Council of the City of London, has the meaning given by section 50(9) of the London Regional Transport Act 1984(**5**); and

(b) in relation to any other authority has the meaning given by section 112(1)(f) of the Transport Act 1985(**6**); and

"travel concession permit" has the meaning given by section 51(3)(c) of the London Regional Transport Act 1984.

Power to impose charges

3.—(1) Subject to regulation 5 of these Regulations, a relevant authority having a function mentioned in column (2) of an item in a table in the Schedule to these Regulations may impose a charge in respect of their dealing in pursuance of that function with any matter of a description specified in that column of that item.

(2) A charge imposed under this regulation in relation to any matter is payable by the person mentioned in column (3) of the item in the table in which the matter is specified.

Amount of charge

4. Subject to regulation 5 of these Regulations, the amount of a charge is to be at the relevant authority's discretion and, in determining the amount, the authority shall have regard to the cost to them of dealing with matters of the description in question.

Charges in connection with travel concessions in London

5. Notwithstanding the provisions of regulations 3 and 4 of these Regulations, no charge shall be imposed by a London borough council or the Common Council of the City of London for the issue of—

(a) a travel concession permit; or

(b) a duplicate permit issued in replacement of a travel concession permit,

unless all the London borough councils and the Common Council of the City of London have agreed to impose a charge and have agreed the amount of the charge.

(**4**) 1995 c.x.
(**5**) 1984 c. 32.
(**6**) 1985 c. 67.

Signed by authority of the Secretary of State

Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions
1998

Signed by authority of the Secretary of State for Wales

Parliamentary Under Secretary of State, Welsh
Office
1998

THE SCHEDULE Regulation 3

TABLE 1—

HIGHWAYS

(1) *Item*	(2) *Matter for which a charge may be made*	(3) *Person by whom the charge is payable*
1.	Consideration by a local highway authority of an application by any person for permission to deposit, or cause to be deposited, a skip on any highway pursuant to section 139(1) and (2) of the 1980 Act	The person making the application
2.	Consideration by a local highway authority of an application for a licence in writing to erect or retain on or over a highway any scaffolding or other structure, in connection with any building or demolition work or the alteration, repair, maintenance or cleaning of any building, which obstructs the highway pursuant to section 169(1) and (2) of the 1980 Act	The person making the application
3.	Consideration by a local highway authority of an application for consent temporarily to deposit building materials, rubbish or other things in a street that is a highway maintainable at the public expense or to make a temporary excavation in it, and the undertaking of site inspections to monitor compliance with such consent pursuant to section 171(1), (2), (4) and (5) of the 1980 Act	The person making the application
4.	Consideration by a relevant authority of an application for consent for the obligation to erect a hoarding or fence in accordance with section 172(1)	The person making the application